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## DIGEST

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Schroder

HB No. 728

**Abstract:** Transfers the licensing and regulation of adult residential care homes to the Dept. of Health and Hospitals.

Present law (R.S. 40:2116(B)(1)) requires the Dept. of Health and Hospitals to promulgate rules and regulations, in accordance with the Administrative Procedure Act, to provide for facility need review. Requires the Dept. of Health and Hospitals to establish the criteria for review of beds for adult residential care providers as defined in R.S. 40:2166.3, and community and group home beds for the developmentally disabled, to determine if there is a need for additional beds to enroll and participate in the Title XIX program.

Proposed law specifies that present law provision relative to the establishment of criteria for review of beds is applicable to Level 4 adult residential care providers. Also, specifies that any criteria that the department establishes for review beds must also comply with the licensing standards for adult residential care providers in R.S. 40:2166.5.

Present law (R.S. 40:2166.3) defines "adult residential care provider", "department", "financial viability", and "license".

Proposed law adds the definition of "adult residential care home" which means a publicly or privately operated residence that provides personal assistance, lodging, and meals for compensation to two or more adults who are unrelated to the residence licensee, operator, or administrator. Also, makes technical changes.

Present law (R.S. 40:2166.4(A)) provides that no facility, agency, provider, institution, society, corporation, partnership, entity, residence, person or persons, or any other group providing adult residential care may be established, operated, or reimbursed under the Medicaid program for such care unless licensed to perform such care by the Dept..

Proposed law requires all adult residential care providers, whether facilities, agencies, providers, institutions, societies, corporations, partnerships, entities, residences, person or persons, or any other group or groups providing adult residential care to be licensed.

Proposed law (R.S. 40:2166.4(H)) transfers the authority to license adult residential care homes from the Dept. of Social Services to the Dept. of Health and Hospitals on Jan. 1, 2010. Requires each adult residential care home that has a valid license issued by the Dept. of Social Services to apply to the Dept. of Health and Hospitals to become an adult residential care provider 60 days

prior to the expiration of the current adult residential care home license. The adult residential care home license must be valid until its expiration date, unless otherwise revoked, suspended, or terminated. Also, effective Jan. 1, 2010, authorizes the Dept. of Health and Hospitals to monitor, survey, and regulate the adult residential care home under the existing Dept. of Social Services regulations until the Dept. of Health and Hospitals publishes minimum licensing standards for all modules of adult residential care providers.

Present law (R.S. 40:2166.5(B)) requires the Dept. of Health and Hospitals to prescribe, promulgate, and publish rules, regulations, and licensing standards that include, but are not limited to those issues enumerated in present law.

Proposed law establishes the modules of adult residential care providers with varying levels of services. Also, establishes the modules for adult residential care providers as follows:

- (1) Level 1 personal care homes;
- (2) Level 2 shelter care homes;
- (3) Level 3 assisted living facilities; and
- (4) Level 4 adult residential care providers.

Present law (R.S. 40:2151-2163) regulates the licensing of adult residential care homes.

Proposed law repeals present law in its entirety, effective Jan. 1, 2010.

The provisions in §1 are effective upon signature of the governor or the lapse of time for gubernatorial action.

(Amends R.S. 40:2116(B)(1), 2166.3, and 2166.4(A); Adds R.S. 40:2166.4(H) and 2166.5(B)(11); Repeals R.S. 40:2151-2163)